

# DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

(Foreign Agent Involved)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

## AN ARTIFICIAL STABILIZED COMPOSITION OF CALCIUM PHOSPHATE PHASES PARTICULARLY ADAPTED FOR SUPPORTING BONE CELL ACTIVITY.

the specification of which is attached hereto unless the following box is checked:

[X ] was filed on August 30, 1996 as United States Application Number or PCT International

Application Number 09/029,872 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

### Prior Foreign Application(s)

60/003,157 US  
(Number) (Country)

01/September/1995  
(Day/Month/Year Filed)

### Priority Claimed

[x ] [ ]  
Yes No

08/576,238 US  
(Number) (Country)

21/December/1995  
(Day/Month/Year Filed)

[ x ] [ ]  
Yes No

I hereby claim the benefits under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

\_\_\_\_\_  
(Number)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Number)

\_\_\_\_\_  
(Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C., § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

PCT/CA96/00585  
(Appln. Serial No.)

30/August/1996  
(Filing Date)

Pending  
(Status --patented/pending/aban.)

(Appln. Serial No.)

(Filing Date)

(Status --patented/pending/aban.)

The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from my representatives, , as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorney or agent named herein will be so notified by the undersigned.

I hereby appoint the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to that Customer Number:

Customer Number 000826

ADDRESS CORRESPONDENCE TO THE ATTENTION OF:  Registration No.	DIRECT ALL TELEPHONE CALLS TO:  Registration No. Tel (704) 331-6000 Fax (704) 334-2014
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: PUGH, Sydney, M.

Inventor's Signature: [Signature]

Date: Mar. 1st, 1998

Residence: 499 Maple Lawn Drive, Glenburnie, Ontario K0H 1S0, Canada

Citizenship: Canadian

Post Office Address: same as above

20 Full name of second inventor: SMITH, Timothy, J.N.

Inventor's Signature: [Signature] Date: MARCH 1, 1998

Residence: 21 Pickwick Place, Kingston, Ontario K7M 1M1, Canada CAX

Citizenship: Canadian

Post Office Address: same as above

300 Full name of third inventor: SAYER, Michael

Inventor's Signature: [Signature] Date: MARCH 1, 1998

Residence: 97 Yonge Street, Kingston, Ontario K7M 1E4, Canada CAX

Citizenship: Canada

Post Office Address: same as above

400 Full name of fourth inventor: LANGSTAFF, Sarah, Dorteia

Inventor's Signature: [Signature] Date: March 1/98

Residence: 35 Nelson Street, Kingston, Ontario K7L 3W6, Canada CAX

Citizenship: Canada

Post Office Address: same as above

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney's Docket No.

Applicant or Patentee: Pugh et al

Serial No. or Patent No.: 09/029,872

Filed or Issued: August 30, 1996

Title: AN ARTIFICIAL STABILIZED COMPOSITION OF CALCIUM  
PHOSPHATE PHASES PARTICULARLY ADAPTED FOR SUPPORTING  
BONE CELL ACTIVITY

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 C.F.R. § 1.9(f) & 1.27(c))--SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act  
on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: MILLENIUM BIOLOGIX, INC.

ADDRESS OF SMALL BUSINESS CONCERN: Suite 200, 785 Midpark Drive, Kingston,  
Ontario K7M 7G3, Canada

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 121.1301-1305, and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d), or a nonprofit organization under 37 C.F.R. § 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.  
☐ each such person, concern, or organization is listed below.

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
☐ Individual ☐ Small Business ☐ Nonprofit Organization

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
☐ Individual ☐ Small Business ☐ Nonprofit Organization

Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: TIMOTHY J. N. SMITH

TITLE OF PERSON OTHER THAN OWNER: VICE PRESIDENT

ADDRESS OF PERSON SIGNING: 21 PICKWICK PLACE,

KINGSTON, ONTARIO, CANADA, K7M 1M1

SIGNATURE: 

DATE: MARCH 1, 1998